

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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BILL DRAFT 2009-SBz-49 [v.1] (04/12)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Fishery Management Plan Supplements.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE AN EXPEDITED PROCESS BY WHICH THE MARINE
3 FISHERIES MAY SUPPLEMENT FISHERY MANAGEMENT PLANS, AS
4 RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD
5 AND AQUACULTURE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113-182.1 reads as rewritten:

8 **"§ 113-182.1. Fishery Management Plans.**

9 (a) The Department shall prepare proposed Fishery Management Plans for adoption by
10 the Marine Fisheries Commission for all commercially or recreationally significant species or
11 fisheries that comprise State marine or estuarine resources. Proposed Fishery Management
12 Plans shall be developed in accordance with the Priority List, Schedule, and guidance criteria
13 established by the Marine Fisheries Commission under G.S. 143B-289.52.

14 (b) The goal of the plans shall be to ensure the long-term viability of the State's
15 commercially and recreationally significant species or fisheries. Each plan shall be designed to
16 reflect fishing practices so that one plan may apply to a specific fishery, while other plans may
17 be based on gear or geographic areas. Each plan shall:

18 (1) Contain necessary information pertaining to the fishery or fisheries,
19 including management goals and objectives, status of relevant fish stocks,
20 stock assessments for multiyear species, fishery habitat and water quality
21 considerations consistent with Coastal Habitat Protection Plans adopted
22 pursuant to G.S. 143B-279.8, social and economic impact of the fishery to
23 the State, and user conflicts.

24 (2) Recommend management actions pertaining to the fishery or fisheries.

25 (3) Include conservation and management measures that will provide the
26 greatest overall benefit to the State, particularly with respect to food
27 production, recreational opportunities, and the protection of marine
28 ecosystems, and that will produce a sustainable harvest.

29 (4) Specify a time period, not to exceed 10 years from the date of the adoption
30 of the plan, for ending overfishing and achieving a sustainable harvest. This
31 subdivision shall only apply to a plan for a fishery that is overfished. This
32 subdivision shall not apply to a plan for a fishery where the biology of the

1 fish or environmental conditions make ending overfishing and achieving a
2 sustainable harvest within 10 years impracticable.

3 (c) To assist in the development of each Fishery Management Plan, the Chair of the
4 Marine Fisheries Commission shall appoint a fishery management plan advisory committee.
5 Each fishery management plan advisory committee shall be composed of commercial
6 fishermen, recreational fishermen, and scientists, all with expertise in the fishery for which the
7 Fishery Management Plan is being developed.

8 (c1) The Department shall consult with the regional advisory committees established
9 pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan.
10 Before submission of a plan for review by the Joint Legislative Commission on Seafood and
11 Aquaculture, the Department shall review any comment or recommendation regarding the plan
12 that a regional advisory committee submits to the Department within the time limits established
13 in the Schedule for the development and adoption of Fishery Management Plans established by
14 G.S. 143B-289.52. The Commission shall consult with the regional advisory committees
15 regarding the development of any temporary management measure that the Commission
16 determines to be necessary to ensure the viability of the species or fishery while the plan is
17 being developed and regarding the development of any management measure to implement the
18 plan. Before the Commission adopts a temporary management measure or a management
19 measure to implement a plan, the Commission shall review any comment or recommendation
20 regarding the management measure that a regional advisory committee submits to the
21 Commission.

22 (d) Each Fishery Management Plan shall be reviewed at least once every five years. The
23 Marine Fisheries Commission may revise the Priority List and guidance criteria whenever it
24 determines that a revision of the Priority List or guidance criteria will facilitate or improve the
25 development of Fishery Management Plans or is necessary to restore, conserve, or protect the
26 marine and estuarine resources of the State. The Marine Fisheries Commission may not revise
27 the Schedule for the development of a Fishery Management Plan, once adopted, without the
28 approval of the Secretary of Environment and Natural Resources.

29 (e) The Secretary of Environment and Natural Resources shall monitor progress in the
30 development and adoption of Fishery Management Plans in relation to the Schedule for
31 development and adoption of the plans established by the Marine Fisheries Commission. The
32 Secretary of Environment and Natural Resources shall report to the Joint Legislative
33 Commission on Seafood and Aquaculture on progress in developing and implementing the
34 Fishery Management Plans on or before 1 September of each year. The Secretary of
35 Environment and Natural Resources shall report to the Joint Legislative Commission on
36 Seafood and Aquaculture within 30 days of the completion or substantial revision of each
37 proposed Fishery Management Plan. The Joint Legislative Commission on Seafood and
38 Aquaculture shall review each proposed Fishery Management Plan within 30 days of the date
39 the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Seafood
40 and Aquaculture may submit comments and recommendations on the proposed Plan to the
41 Secretary within 30 days of the date the proposed Plan is submitted by the Secretary.

42 (e1) If the Marine Fisheries Commission determines that it is in the interest of the
43 long-term viability of a fishery, the Commission may develop temporary measures to
44 supplement an existing Fishery Management Plan pursuant to this subsection. Development of
45 temporary supplementary measures pursuant to this subsection is exempt from subsections (c),
46 (c1), and (e) of this section and the Priority List, Schedule, and guidance criteria established by
47 the Marine Fisheries Commission under G.S. 143B-289.52. The Commission shall adopt rules
48 to implement temporary supplementary measures in accordance with Chapter 150B of the
49 General Statutes. During the next review period for a Fishery Management Plan supplemented
50 pursuant to this subsection, the Commission shall either incorporate the temporary
51 supplementary measures into the revised Fishery Management Plan or the temporary

supplementary measures shall expire on the date the revised Fishery Management Plan is adopted.

(f) The Marine Fisheries Commission shall adopt rules to implement Fishery Management Plans in accordance with Chapter 150B of the General Statutes.

(g) To achieve sustainable harvest under a Fishery Management Plan, the Marine Fisheries Commission may include in the Plan a recommendation that the General Assembly limit the number of fishermen authorized to participate in the fishery. The Commission may recommend that the General Assembly limit participation in a fishery only if the Commission determines that sustainable harvest cannot otherwise be achieved. In determining whether to recommend that the General Assembly limit participation in a fishery, the Commission shall consider all of the following factors:

- (1) Current participation in and dependence on the fishery.
- (2) Past fishing practices in the fishery.
- (3) Economics of the fishery.
- (4) Capability of fishing vessels used in the fishery to engage in other fisheries.
- (5) Cultural and social factors relevant to the fishery and any affected fishing communities.
- (6) Capacity of the fishery to support biological parameters.
- (7) Equitable resolution of competing social and economic interests.
- (8) Any other relevant considerations."

SECTION 2. This act is effective when it becomes law.